

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ORIGINAL

IN RE: PHARMACEUTICAL
INDUSTRY AVERAGE WHOLESALE
PRICE LITIGATION

MDL No. 1456
Civil Action No. 01-12257 (PBS)

THIS DOCUMENT RELATES TO THE FOLLOWING
ACTIONS:

RICE V. ABBOTT LABORATORIES, INC., ET AL.,
District of California Case No. 3:02-03925

NOTICE OF MOTION

THOMPSON V. ABBOTT LABORATORIES, INC., ET AL.,
Northern District of California Case No. 3:02-4450

TURNER V. ABBOTT LABORATORIES, INC., ET AL.,
Northern District of California Case No. 3:02-5006

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of the Motion to Dismiss the Unnamed Defendants, dated July 17, 2003, and upon all prior proceedings in this action, defendants Alpha Therapeutic Corporation, Chiron Corporation, Cetus Oncology, Faulding Pharmaceuticals Co., Geneva Pharmaceuticals, Inc., Ivax Pharmaceuticals, Mylan Laboratories Inc., Nabi Biopharmaceuticals, Inc., Wyeth, formerly known as American Home Products, including defendants named as Elkins-Sinn, Lederle Oncology, and Wyeth-Ayerst Laboratories, and Zenith Goldline (collectively, the "Unnamed Defendants") will move this Court before the Honorable Patti B. Saris, at Courtroom #13, United States District Court, District of Massachusetts, 1 Courthouse Way, Boston MA 02210, at a date and time to be determined by the Court, for an Order, pursuant to Federal Rule of Civil

Procedure 12(b)(6), dismissing, in their entirety, the Amended Master Consolidated Complaint and the complaints filed in the California Actions against the Unnamed Defendants and for such further relief as the Court deems proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Scheduling Order, issued on June 18, 2003, opposing papers, if any, shall be served on or before September 1, 2003.

Dated: July 17, 2003

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